IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

FRIDAY, THE 27TH JULY 2007 / 5TH SRAVANA 1929

WP(C).No. 17853 of 2007(A)

PETITIONER:

JULIA JOHN ALLIL, ALLIL HOUSE,
EAST MARADY P.O., ERNAKULAM DISTRICT.

BY ADV. SRI.P.K.VIJAYAMOHANAN
SMT.RESMI G. NAIR
SRI.GILBERT GEORGE CORREYA

RESPONDENTS:

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1. THE CENTRAL BOARD OF SECONDARY EDUCATION
REPRESENTED BY ITS SECRETARY,
SIKSHA KENDRA, 2-COMMUNITY CENTRE,
PREET VIHAR, DELHI-110092.

2. THE JOIONT SECRETARY, THE CENTRAL BOARD
OF SECONDARY EDUCATION, SOUTHERN REGION,
CHENNAI-600040.

3. THE VIMALAGIRI PUBLIC SCHOOL,
KOTHAMANGALAM, REPRESENTED BY ITS PRINCIPAL,
KOTHAMANGALAM-688891.

BY ADV. SRI.DEVAN RAMACHANDRAN
SRI.MANOJ P.KUNJACHAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 27/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S. SIRI JAGAN, J.

WP(C) NO. 17853 OF 2007 A

Dated this the 27th day of July, 2007

J U D G M E N T

The petitioner passed the All India Senior School Certificate Examination in 2004. In the mark list and certificate issued by the C.B.S.E., there were mistakes in the petitioner's name and in the name of her father. The petitioner applied for correction. The same has been rejected by Ext.P8 stating that she has applied beyond the two years period prescribed under the regulations. Ext.P9 is the regulations. The petitioner seeks a direction to the respondents to effect those correctins. The petitioner is challenging that also.

2. A learned Judge of this Court in W.P(C) No.37476 of 2004 held that regulations are not statutory in nature and cannot be held to be mandatory. On that finding, in similar cases, a direction was issued to correct similar mistakes nothwithstanding the fact that the application was beyond the period prescribed under the regulations.

3. I have heard the learned counsel for the petitioner, the Standing Counsel appearing for respondents 1 and 2 and the learned counsel appearing for the third respondent-school. The Standing Counsel for the C.B.S.E. Submits that when regulations prescribes a period of limitation for applying for correction of mistakes, the C.B.S.E. cannot entertain applications submitted beyond the said period. He also submits that the mistake was not on account of any fault on the part of the respondents and therefore, this writ petition cannot be entertained.

4. I am at a loss to understand the stand of the respondents. The certificate and mark list issued to the petitioner are for the use in her future career and if the names of the petitioner and her father are wrongly entered therein, the certificate and mark list would be of no use to her because she cannot validly rely on the same for future purposes. I am also in full agreement with the judgment of the learned Single Judge in W.P(C) No.37476 of 2004. In that view, I am satisfied that

Ext.P8 requires to be quashed. I do so. I further direct the respondents to see that the petitioner's mark list and certificate is corrected as applied for by her, within a period of two weeks from the date of receipt of a copy of this judgment.

The writ petition is disposed of as above.

S. SIRI JAGAN,
Judge

Mbs/

S.SIRI JAGAN, J

W.P.(C) NO. OF 2001

J U D G M E N T

DATED:01-06-2007